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**Introduced by Senator Romero**

February 19, 2003

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An act to amend Section 52616.16 of the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

SB 332, as introduced, Romero. Adult education: average daily attendance audits.

Existing law authorizes the governing board of a high school district or unified school district to establish and maintain one or more adult schools by resolution of the governing board. Existing law sets forth formulas for the determination of the adult education revenue limit per unit of average daily attendance. Existing law authorizes the waiver of an average daily attendance audit adjustment for specific fiscal years by the Superintendent of Public Instruction, with the approval of the Department of Finance, if the superintendent determines that the audit exception was minor or inadvertent, or both.

This bill would provide that any average daily attendance adjustment for the 1990–91, 1991–92, 1992–93, or 1993–94 fiscal years would be null and void and waived if the Superintendent of Public Instruction and the Department of Finance have not determined whether to waive the audit adjustment by June 30, 2005.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52616.16 of the Education Code is  
2 amended to read:

1 52616.16. (a) For the 1993–94 fiscal year, ~~each school~~  
2 ~~district's~~ *the* adult education revenue limit per unit of average  
3 daily attendance *of a school district* shall be determined as follows:

4 (1) (A) Add the total apportionment the school district  
5 received for the 1991–92 fiscal year for its adult education  
6 program and the portion of its state apportionment that represents  
7 the funding for those secondary school pupils concurrently  
8 enrolled in adult education.

9 (B) Add the ~~school district's~~ average daily attendance *of the*  
10 *school district that was* funded for the annual apportionment for  
11 the 1991–92 fiscal year for adult education and the portion of the  
12 ~~district's~~ funded regular average daily attendance *of the school*  
13 *district* for secondary school pupils concurrently enrolled in adult  
14 education.

15 (C) Divide *the amount in* subparagraph (A) by *the amount in*  
16 subparagraph (B) to determine the ~~school district's~~ adult education  
17 revenue limit per unit of average daily attendance *of the school*  
18 *district*.

19 (2) (A) For a school district offering adult education courses  
20 and classes pursuant to Section 41976.2, multiply the funded  
21 average daily attendance for the second principal apportionment  
22 made in the 1991–92 fiscal year for independent study pupils 21  
23 years of age or older and pupils 19 years of age or older who have  
24 not been continuously enrolled in kindergarten or any of grades 1  
25 to 12, inclusive, since their 18th birthday, as calculated pursuant  
26 to Section 46300.1, as that section read on January 1, 1992, by the  
27 statewide average funded adult education revenue limit for the  
28 1992–93 fiscal year. This amount shall be added to the amount  
29 calculated pursuant to subparagraph (A) of paragraph (1) of this  
30 subdivision.

31 (B) Determine the funded average daily attendance made in the  
32 second principal apportionment for the 1991–92 fiscal year for  
33 independent study pupils 21 years of age or older and pupils 19  
34 years of age or older who have not been continuously enrolled in  
35 kindergarten or any of grades 1 to 12, inclusive, since their 18th  
36 birthday, as calculated pursuant to Section 46300.1, as that section  
37 read on January 1, 1992. This amount shall be added to the amount  
38 calculated pursuant to subparagraph (B) of paragraph (1) of this  
39 subdivision.

(3) If the amount determined in paragraph (1) is between one thousand seven hundred seventy-five dollars (\$1,775) and two thousand fifty dollars (\$2,050), that amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1993–94 fiscal year.

(4) If the amount determined in paragraph (1) is greater than two thousand fifty dollars (\$2,050), the difference between that amount and two thousand fifty dollars (\$2,050) shall be multiplied by 0.67 and that product shall be added to two thousand fifty dollars (\$2,050). That amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1993–94 fiscal year.

(5) If the amount determined in paragraph (1) is less than one thousand seven hundred seventy-five dollars (\$1,775), the difference between that amount and one thousand seven hundred seventy-five dollars (\$1,775) shall be multiplied by ~~.67~~ 0.67 and that product shall be subtracted from one thousand seven hundred seventy-five dollars (\$1,775). That amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1993–94 fiscal year.

(6) Any school district that establishes a new adult education program and receives a state apportionment for adult education on or after July 1, 1993, shall have an adult education revenue limit per unit of average daily attendance equal to the statewide average adult education revenue limit for the 1993–94 fiscal year.

(b) For the 1994–95 fiscal year, ~~each school district's~~ *the* adult education revenue limit per unit of average daily attendance *of a school district* shall be determined as follows:

(1) (A) Add the total apportionment the school district received for the 1991–92 fiscal year for its adult education program and the portion of its state apportionment that represents the funding for those secondary school pupils concurrently enrolled in adult education.

(B) Add the ~~school district's~~ average daily attendance *of a school district that was* funded for the annual apportionment for the 1991–92 fiscal year for adult education and the portion of the ~~district's~~ funded regular average daily attendance *of the school district* for secondary school pupils concurrently enrolled in adult education.

(C) Divide subparagraph (A) by subparagraph (B) to determine the ~~school district's~~ adult education revenue limit per unit of average daily attendance *of the school district*.

(2) (A) For a school district offering adult education courses and classes pursuant to Section 41976.2, multiply the funded average daily attendance for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992, by the statewide average funded adult education revenue limit for the 1992–93 fiscal year. This amount shall be added to the amount calculated pursuant to subparagraph (A) of paragraph (1) of this subdivision.

(B) Determine the funded average daily attendance for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992. This amount shall be added to the amount calculated pursuant to subparagraph (B) of paragraph (1) of this subdivision.

(3) If the amount determined in paragraph (1) is between one thousand seven hundred seventy-five dollars (\$1,775) and two thousand fifty dollars (\$2,050), that amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1994–95 fiscal year.

(4) If the amount determined in paragraph (1) is greater than two thousand fifty dollars (\$2,050), the difference between that amount and two thousand fifty dollars (\$2,050) shall be multiplied by 0.33 and that product shall be added to two thousand fifty dollars (\$2,050). That amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1994–95 fiscal year.

(5) If the amount determined in paragraph (1) is less than one thousand seven hundred seventy-five dollars (\$1,775), the difference between that amount and one thousand seven hundred seventy-five dollars (\$1,775) shall be multiplied by ~~.34~~ 0.34 and

that product shall be subtracted from one thousand seven hundred seventy-five dollars (\$1,775). That amount shall be the ~~district's~~ adult education revenue limit per unit of average daily attendance *of the school district* for the 1994–95 fiscal year.

(6) Any school district that establishes a new adult education program and receives a state apportionment for adult education on or after July 1, 1993, shall have an adult education revenue limit per unit of average daily attendance that is equal to the statewide average adult education revenue limit for the 1994–95 fiscal year.

(c) For the 1995–96 fiscal year the adult education revenue limit per unit of average daily attendance shall be one of the following:

(1) The amount determined in paragraph (1) of subdivision (a).

(2) Two thousand fifty dollars (\$2,050) for any district that had a 1993–94 fiscal year adult education revenue limit per unit of average daily attendance determined pursuant to paragraph (4) of subdivision (a).

(3) One thousand seven hundred seventy-five dollars (\$1,775) for any district that had a 1993–94 fiscal year adult education revenue limit per unit of average daily attendance determined pursuant to paragraph (5) or paragraph (6) of subdivision (a).

(d) Commencing July 1, 1996, an inflation adjustment shall be calculated for each district so that over time the adult education revenue limit per unit of average daily attendance shall be the same for all districts. ~~A school district's~~ *The* adult education revenue limit per unit of average daily attendance *of a school district* shall be the ~~district's prior fiscal year's~~ adult education revenue limit per unit of average daily attendance *of the school district for the prior fiscal year* increased by a dollar amount calculated as follows:

(1) Determine the dollar amount by multiplying the statewide average funded adult education revenue limit per unit of average daily attendance for the prior fiscal year by the inflation adjustment used to increase revenue limits for unified school districts pursuant to Section 42238.1.

(2) Determine a factor as follows:

(A) Multiply the highest funded adult education revenue limit per unit of average daily attendance in the state for the prior fiscal year by 1.02.

(B) Divide the amount determined in subparagraph (A) by the funded adult education revenue limit per unit of average daily attendance of the school district for the prior fiscal year.

(C) If the number determined in subparagraph (B) is greater than 1.10, that result shall be reduced to 1.10. If the number determined in subparagraph (B) is less than 1.02, that result shall be increased to 1.02.

(D) Subtract 1.0 from the number determined in subparagraph (C).

(E) Divide the number determined in subparagraph (D) by the inflation adjustment used to increase revenue limits for a unified school district pursuant to Section 42238.1.

(3) Multiply the dollar amount determined in paragraph (1) by the factor determined in paragraph (2).

(4) Add the amount determined in paragraph (3) to the funded adult revenue limit per unit of average daily attendance of the school district for the prior fiscal year. ~~In no case shall any~~ *The* revenue limit per unit of average daily attendance *may not* be increased above the amount calculated in subparagraph (A) of paragraph (2).

The Superintendent of Public Instruction shall reallocate any amounts calculated for a district in excess of the amount calculated in subparagraph (A) of paragraph (2) to augment the inflation adjustments of other districts.

If the amount of funds needed to provide inflation adjustments calculated pursuant to this subdivision exceeds the amount appropriated in the annual Budget Act for adult education program inflation adjustments, the superintendent shall prorate the amounts calculated pursuant to this subdivision.

(e) ~~When each district's~~ *If* adult education revenue per unit of average daily attendance *of each school district* is the same, each district, notwithstanding paragraphs (1) and (2) of subdivision (d), shall receive the same inflation adjustment calculated pursuant to the inflation adjustment used to increase revenue limits for unified school districts pursuant to Section 42238.1.

(f) (1) If there is an average daily attendance audit adjustment for any of the 1990–91, 1991–92, or 1992–93 fiscal years, for purposes of calculating the ~~district's~~ adjusted adult education revenue limit *of the school district* pursuant to this section, the superintendent, with the approval of the Department of Finance,

1 may waive the average daily attendance audit adjustment if the  
2 superintendent determines that the audit exception was minor or  
3 inadvertent, or both.

4 (2) *Any average daily attendance audit adjustment for the*  
5 *1990–91, 1991–92, 1992–93, or 1993–94 fiscal year is null and*  
6 *void and is waived if the superintendent and the Department of*  
7 *Finance have not determined whether to waive the average daily*  
8 *attendance audit adjustment, pursuant to paragraph (1), on or*  
9 *before June 30, 2005.*

